

### **REMARKS**

Claims 1-30 are pending in this application. Claims 1, 4-7, and 9-17 have been previously withdrawn from consideration.

In the Final Office Action dated July 28, 2008, the Examiner maintains his rejections under 35 U.S.C. §112, first paragraph, and 35 U.S.C. §103(a). The Applicant traverses these rejections and requests reconsideration in view of the following remarks.

#### **Rejections under 35 U.S.C. §112**

Regarding the rejection under 35 U.S.C. §112, first paragraph, the Applicant maintains that characterizing the “notifying” limitation as “nothing but” the selected disclosure of paragraphs [0028] and [0044] is improper. While the cited paragraphs (as well as paragraphs [0032], [0050], among others, and Figures 2A and 3A) provide support for the “notifying” limitation in the context of synchronization, the specification provides support for a broader interpretation of “notifying.”

One skilled in the art would recognize in the disclosure that in the case of multiple approvers, one approver receives notification of another approver’s action that changes the status of an electronic mail message. For example, paragraph [0031] discloses that, “[i]f the second approver approved the message, it would remain in the first approver’s unapproved folder, optionally with an indicator that the message had been approved by the other approver.” (emphasis added). One skilled in the art would recognize that this “indicator” could be conveyed in a number of ways, only one of which is through synchronization.

The M.P.E.P. provides examples of inadequate disclosure. For example, at M.P.E.P. 2163 (I) (B):

In *Gentry Gallery*, the “court’s determination that the patent disclosure did not support a broad meaning for the disputed claim terms was premised on clear statements in the written description that described the location of a claim element – the ‘control means’ – as ‘the only possible location’ and that variations were ‘outside the stated purpose of the

invention.’ *Gentry Gallery*, 134 F.3d at 1479, 45 USPQ2d at 1503. *Gentry Gallery*, then, considers the situation where the patent’s disclosure makes crystal clear that a particular (i.e., narrow) understanding of a claim term is an ‘essential element of [the inventor’s] invention.’”

Nothing in the specification implies that synchronization is an essential element regarding notification. Nothing in the specification explicitly precludes other forms of notifying. In fact, paragraph [0006] (near the end) describes general notification of approvers relating to the electronic mail messages. Here, notification of approvers is described in the context of, “. . . one or more of the approvers can be notified automatically if a new message is received or has not been reviewed after a particular period of time.” (emphasis added). Further, paragraph [0025] describes a child receiving notice when messages are rejected. The specification therefore clearly describes notification of electronic message status in forms other than through synchronization.

At paragraph [0006], the specification discloses that, “[m]ultiple people can have approval authority, and the actions taken by each approver can be synchronized.” (emphasis added). Synchronization is therefore not required – this argument is further supported at the end of paragraph [0028], “[i]t should be understood that the current invention is not limited to situations in which some form of synchronization is used or required.”

### **Rejections under 35 U.S.C. §103(a)**

Regarding the rejection under 35 U.S.C. §103(a), the Examiner maintains that combining Bulfer, which teaches “presenting a message in an Approval folder,” with Sherman, which teaches synchronizing folder and subfolder synchronization, teaches “notifying the at least one other approver of a changed status for the electronic message.” The Applicant disagrees with the Examiner’s assertion at least because the “Approval folder” of Bulfer does not convey information about whether the message is approved or rejected, in a way that can be provided through the synchronization of Sherman to other approvers.

Bulfer, at paragraph [0022], teaches that, “[a] parent inbox 122 stores messages for the parent client 102b and an EPC or approval inbox 124 stores messages to be reviewed for approval. Approved messages are forwarded to the child account filter 110 for message processing and sender addition, as described below.” (emphasis added). As the text above clearly states, the approval inbox 124 of Bulfer merely holds messages for review, but does not contain approved messages. The messages in the approval inbox 124 may be approved or rejected. Once approved, the approved message is sent to the child account filter 110 for processing, but is NOT placed in an “approved folder” that would designate the message as approved. Thus, synchronizing the approval inbox 124 of Bulfer provides no information to the other approvers regarding the electronic messages, since those messages stored in the approval box have not yet been reviewed (see above, “to be reviewed”).

At page 8 of the pending Final Office Action, the Examiner points to Figure 3 and paragraph [0025] of Bulfer as teaching “presenting a message in Approval folder” and the message being “approved or rejected by one approver.” Figure 3, however, provides an exemplary screen display for facilitating a parent in approving or rejecting messages. The “approve box 204c” described is NOT a folder for holding approved messages, but rather is a “check box” that a parent marks to indicate his/her approval of the message (i.e., “Checking the approve box 204c results in the message being forwarded to the child client inbox 112 . . .”). The screen display depicted in Figure 3 is merely a input mechanism for the parent’s uses, and is not conveyed to any other users of the Bulfer system.

The Examiner states at page 8 of the pending Final Office Action that, “. . . Bulfer teaches that the messages for approval be delivered to “approval folder”, Fig. 2, element 124.” As explained above, element 124 of Fig. 2 merely holds messages for approval, so element 124 contains no information regarding the actual approval/rejection decision.

The Examiner states from the bottom of page 9 to the top of page 10 of the pending Final Office Action that it would have been obvious for one having ordinary skill in the art at the time the invention was made to combine the teachings of Sherman to the combined teachings of Lu and

Bulfer, “. . . such that the only required ‘folder’ or ‘subfolder’, such as Bulfer’s ‘approval folder’, can be synchronized among the various approval display devices used by more than one parent recipients of Lu.” However, as set forth above, Bulfer’s “approval folder” merely holds messages for approval, and therefore does not contain information regarding approval or rejection. Once a message is approved, the message is sent to the child. Nothing in Bulfer teaches or suggests placing an approved message in specific location (such as an approved folder), which would convey the approve/reject decision to another approver upon synchronization. This is in stark contrast to the Applicant’s application, which explicitly includes an unapproved folder 210 and an approved folder 212 (see, for example, Fig. 2A and 3A, and paragraphs [0033] and [0034], et al.).

For at least the reasons set forth above, claim 1 should be allowable.

Similar arguments as presented above for claim 1 apply to independent claim 26, so claim 26 should also be allowable. Since claims 2, 3, 19-25 depend from allowable claim 18, and claims 8 and 27-30 depend from allowable claim 26, these claims should also be allowable.

In view of the above remarks, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0219, under Order No. 0113715.00134US1 from which the undersigned is authorized to draw.

Respectfully submitted,

Dated: September 29, 2008

/Ronald R. Demsher/  
Ronald R. Demsher  
Registration No.: 42,478  
Attorney for Applicant(s)

Wilmer Cutler Pickering Hale and Dorr LLP  
60 State Street  
Boston, Massachusetts 02109

Application No. 10/624,445  
Amendment dated September 29, 2008  
After Final Office Action of July 28, 2008

Docket No.: 0113715.00134US1

(617) 526-6000 (telephone)  
(617) 526-5000 (facsimile)

•